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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,314	05/12/2001	Bonnie L. Brown	09854314	7828

7590  
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01/24/2007

EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

57

<b>Office Action Summary</b>	Application No. 09/854,314	Applicant(s) BROWN ET AL.	
	Examiner Md S. Elahee	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This case has been transferred from Examiner Allan Hoosain to Examiner Alam Elahee.

#### *Response to Arguments*

1. Applicant's arguments filed on 10/28/2006 Remarks have been fully considered but they are not persuasive.

#### 102(b) rejection in view of Pepe:

Since the applicant didn't make any argument regarding the 102 rejection made in view of **Pepe** prior art in the previous office action examiner assumes that the previous rejection was proper. However, in addition to the previous rejection, examiner made another ground of rejection in view of **Merchant**.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter i.e., displays the information via visual, audio, tactile or printing recited on claim 2 (line 8-9), which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

Art Unit: 2614

art that the inventor(s), at the time the application was filed, had possession of the claimed invention. However, the examiner cannot find the relationship between the claimed "visual, audio, tactile or printing" with the claimed "displays the information" in light of the original specification.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 2 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claims 1, 19, the phrase "such devices" renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

7. Regarding claim 19, the phrases "such functionality", "such integrated devices", "such information" and "such messages" render the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

8. Regarding claim 19, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 2 and 19 are rejected, in light of the 112, first and second paragraph rejections, under 35 U.S.C. 102(e) as being anticipated by **Merchant** (U.S. 6,532,489).

Regarding claim 1, with respect to fig.1, **Merchant** teaches email or Information alert devices (fig.1, items 131-135) comprised of:

- (a) an energy source means, local or remote (fig.1; col.2, lines 37-40);
- (b) communication means to a local or remote message source (col.2, lines 37-40);
- (c) one or more sensible means to alert a person that a message has arrived (col.3, lines 28-32);

whereby, one or a plural of the devices may be placed in various locations, or be carried by a person or be in or part of a vehicle and when a new email arrives to a connected computer or other message receiving apparatus, an appropriate signal is transmitted to the alert device(s), which then outputs one or more sensible alert(s) (fig.1; col.3, lines 21-51).

Art Unit: 2614

Regarding claim 2, with respect to fig.1, **Merchant** teaches Email or Information alert devices as recited in claim 1, further comprised of one or more types of sensible display means to provide information associated with the message (fig.1; col.3, lines 39-42) (Note; pager, fax has display means to display information),

whereby, one or a plural of such devices may be placed in various locations, or be carried by a person or be in or part of a vehicle and when a new email arrives to a connected computer or other message receiving apparatus, appropriate signals are transmitted to the alert device(s), which then outputs one or more sensible alert(s) and also displays the information via visual or audio, tactile or printing (fig.1; col.3, lines 21-51). Information, such as the sender's identification, type of message, priority, times, dates, confirmations, advertisements, rewards, prizes, special offers, coupons, sporting events, electronic and other games and events, announcements, messages, articles, weather, traffic or other warnings, recalls, family, general, local, national and international news and emergencies, general and safety announcements and/or attachment (col.3, lines 39-47).

Claim 19 is rejected for the same reasons as discussed above with respect to claims 1 and 2.

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2614

12. Claims 1, 2 and 19 are rejected, in light of the 112, first and second paragraph problem, under 35 U.S.C. 102(b) as being anticipated by **Pepe** et al. (U.S. 5,742,905).

Regarding claim 1, with respect to fig.12, **Pepe** teaches email or Information alert devices comprised of:

- (a) an energy source means, local or remote (fig.12; col.16, lines 46-50);
- (b) communication means to a local or remote message source (col.16, lines 59-65);
- (c) one or more sensible means to alert a person that a message has arrived (col.20, lines 42-53);

whereby, one or a plural of the devices may be placed in various locations, or be carried by a person or be in or part of a vehicle and when a new email arrives to a connected computer or other message receiving apparatus, an appropriate signal is transmitted to the alert device(s), which then outputs one or more sensible alert(s) (col.20, lines 42-53).

Regarding claim 2, with respect to fig.1, **Merchant** teaches Email or Information alert devices as recited in claim 1, further comprised of one or more types of sensible display means to provide information associated with the message (col.20, lines 42-53),

whereby, one or a plural of such devices may be placed in various locations, or be carried by a person or be in or part of a vehicle and when a new email arrives to a connected computer or other message receiving apparatus, appropriate signals are transmitted to the alert device(s), which then outputs one or more sensible alert(s) and also displays the information via visual or audio, tactile or printing (col.20, lines 42-53). Information, such as the sender's identification,

Art Unit: 2614

type of message, priority, times, dates, confirmations, advertisements, rewards, prizes, special offers, coupons, sporting events, electronic and other games and events, announcements, messages, articles, weather, traffic or other warnings, recalls, family, general, local, national and international news and emergencies, general and safety announcements and/or attachment (col.20, lines 42-53).

Claim 19 is rejected for the same reasons as discussed above with respect to claims 1 and 2.

### *Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Sawai** (US 6,587,681) teach Mail reception notifying system and mail reception notifying method,

**Owens et al.** (US 6,633,630) teach System for integrated electronic communications,

**Gross et al.** (US 6,748,054) teach Single telephone numbers access to multiple communications services, and

**Cloutier** (US 6,459,913) teach Unified alerting device and method for alerting a subscriber in a communication network based upon the result of logical functions.



Art Unit: 2614

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ME

MD SHAFIUL ALAM ELAHEE

January 21, 2007

  
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